



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

DAVID JOHN FORD, et al.



Group Art Unit: 3629

Examiner: Michael J. Fisher

Serial No.: 10/064,962

Filed: September 4, 2002

For: **ONLINE METHOD AND SYSTEM FOR ADVISING
CUSTOMERS ON SERVICE NEEDS, FACILITATING
THE SCHEDULING OF VEHICLE SERVICE APPOINTMENTS,
AND CHECKING VEHICLE SERVICE STATUS**

Attorney Docket No.: FMC 1438 PUS / 81046134

INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56 and § 1.97-1.98, the experimental use of the invention disclosed below is being submitted for consideration by the Examiner.

While this Statement is being filed in compliance with the duty of disclosure, the disclosure of experimental use is not to be construed as an admission that any of this activity is "material" as defined under 37 C.F.R. § 1.56(b). To the contrary, there is no bar under the "public use" provision of 35 U.S.C. § 102(b) because the use was experimental.

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this paper, including all enclosures referred to herein, is being deposited with the United States Postal Service as first-class mail, postage pre-paid, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, U.S. Patent & Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 on:

January 24, 2005
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Matthew M. Jakubowski
Name of Person Signing


Signature

Applicants filed the Application on September 4, 2002. During the time period of July 11, 2001 to May 21, 2002 (otherwise referred to as "the precritical period"), experimental use activities occurred with respect to subject matter disclosed and claimed in the Application in the form of experimental software development. The primary purpose of these activities was to ascertain whether the experimental software referenced to as Virtual Service Advisor (VSA) would answer its intended purpose of providing an online method and system for advising customers on service needs, facilitating the scheduling of vehicle service appointments, and checking vehicle service status. *La Bounty Mfg. v. United States Int'l Trade Comm'n*, 22 USPQ 833, 838 (Fed. Cir. 1992). Applicants did not determine that the invention would work for its intended purpose until after the precritical period. *RCA Corp. v. Data Gen. Corp.*, 12 USPQ2d 1449, 1453 (Fed. Cir. 1989). Applicants enclose the Declaration of Kenneth J. McCaffrey, an inventor, in support of the experimental nature of the activities during the precritical period. Consideration and entry into the record of this disclosure is respectfully requested.

Respectfully submitted,

DAVID JOHN FORD, et al.

By: *Matthew Jakubowski*
Matthew M. Jakubowski
Reg. No. 44,801
Attorney for Applicants

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BROOKS KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238
Phone: (248) 358-4400
Fax: (248) 358-3351